

REMARKS

Claims 40-59 are pending in the Application.

Claims 40-59 stand rejected.

Claim 60 is hereby added.

I. DRAWINGS

The Examiner has objected to the drawings under 37 C.F.R. 1.83(a) asserting that the "first caller ID modem" and "second caller ID modem" must be shown in the drawings. In response, Applicants respectfully traverse this objection. FIGURE 5 illustrates caller ID modems 505. The first caller ID modem is included within an analog telephone extension. Such an analog telephone extension is shown in FIGURE 13 as analog phone 1300. Analog phone 1300 uses a built-in caller ID modem, as noted in the Specification on page 26, line 1. Since such caller ID modems are built into the illustrated analog phone 1300, they were not shown, since they can be typical caller ID modems such as shown in FIGURE 5. The same is true for the second caller ID modem implemented in DSP 309, as noted in the Specification on page 25, lines 17-19 and page 26, lines 5-7. As a result, the caller ID modems are illustrated in FIGURE 5, and such modems are referenced to be built into DSP 309 and analog telephone 1300 as noted in the Specification. Should the Examiner still wish to see some type of illustration of such caller ID modems with respect to the illustrations of DSP 309 and analog telephone 1300, then Applicants can modify these FIGURES to include such caller ID modems in block diagram form.

## II. REJECTIONS UNDER 35 U.S.C. § 112

Claims 40-59 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. More specifically, the Examiner has asserted that the term "typical on line 15, page 40 is not clearly defined." However, the Examiner does admit that the term "typical caller ID information" is adequately described; the Examiner solely considers the term "typical" as indefinite. Correspondingly, with respect to claims 55 and 57, the Examiner also considers the term "non-typical" also indefinite.

In response, Applicants respectfully traverse these rejections. As the Examiner has properly pointed out, "typical caller ID information" is defined to contain the ten-digit telephone number of the calling party and/or the name of the person or business originating the call. *See* Specification, page 19, lines 8-10. "Typical caller ID data" is also defined on page 26, lines 17-18 as the name and phone number of the caller. Since the terms "typical caller ID information" and "typical caller ID data" are clearly defined and consistently used throughout the Specification and the Claims, Applicants have succeeded in particularly pointing out and distinctly claiming the subject matter with respect to this claim language. The Examiner cannot parse out the term "typical" in an attempt to assert the entire term is indefinite. The term "typical" is consistently used with the language "caller ID information" and "caller ID data." In fact, the term "typical" is merely used as an adjective to further identify these terms, which are specifically defined within the Specification as noted above. In fact, since Applicants can be their own lexicographer, Applicants could have used any term to modify "caller ID information" and "caller ID data", as long as such language was clearly defined and consistently used within the Specification and Claims. For example, the claims would be clear even if the term was "baseball caller ID information" or "baseball caller ID data", as long as such was defined clearly in the Specification, which is the case herein. MPEP § 2111.01. As a result, when the claims are interpreted, the reader will note the term "typical caller ID information" and will be

able to easily determine the definition of such language by referring to the portions of the Specification noted above. Thus, the claims are definite.

Correspondingly, "non-typical caller ID information" is also definite, since the modifier "non-" is defined in the English language as the reverse of the term it is modifying. Another useful definition for "non-" is that it means "lacking the usual characteristics of the thing specified." Therefore, in this instance, "non-typical caller ID information" would mean information that did not include the name and phone number of the calling party. Again, one attempting to interpret these claims would be able to easily do so by the clear definitions provided within the Specification as noted above.

### III. REJECTIONS UNDER 35 U.S.C. § 102

Claims 55-56 stand rejected under 35 U.S.C. § 102(e) as being anticipated by *Windsor et al.*, (U.S. Patent No. 5,734,706). In response, Applicants respectfully traverse this rejection. As the Examiner is well aware, for a claim to be anticipated under § 102, each and every element of the claim must be found within the cited prior art reference.

Claim 55 recites formulating a "non-typical caller ID message." The Examiner asserts that *Windsor* teaches in Figure 5A that the "date/time" equates to the "non-typical caller ID" message. Applicants traverse. Figures 5A and 5B of *Windsor*, which are not actually described within the *Windsor* Specification, nevertheless clearly show that the information includes the name and number, in addition to the date/time information. Since "non-typical caller ID data" is clearly defined within the Specification as not including the name and phone number of the caller, it is impossible for *Windsor* to anticipate claim 55, and in fact, *Windsor* teaches away from claim 55, since the message information shown in Figures 5A and 5B clearly does include the name and phone number.

Claim 56 further clearly clarifies that *Windsor* cannot anticipate claims 55 and 56. In fact, on page 4 of Paper No. 8, the Examiner essentially admits that *Windsor* teaches that the message not

only includes the date and time, but also the name and number, by the Examiner's assertion with respect to claim 56.

#### IV. REJECTIONS UNDER 35 U.S.C. § 103

Claims 40-46 and 48-54 stand rejected under 35 U.S.C. § 103 as being unpatentable over *Kim* (U.S. Patent No. 5,970,128) and in view of *Luneau* (U.S. Patent No. 6,038,433). In response, Applicants respectfully traverse this rejection.

With respect to claim 40, it is clear that *Kim* teaches away from the present invention, since *Kim* teaches that the caller's number and/or name are displayed on the telephone. Column 4, lines 38-40. Conversely, claim 40 clearly recites that the message that is displayed does not include typical caller ID information, which as noted above, does include the name and/or telephone number of the caller. As a result, claim 40 cannot be obvious in view of *Kim* and *Luneau*, since one skilled in the art would not be able to recreate claim 40 in view of these two references. Further, "typical caller ID information" cannot be defined differently by different people at different times, since Applicants have clearly defined this term in the Specification.

Furthermore, the Examiner attempts to overcome this deficiency by asserting that *Luneau* teaches in column 3, line 22, that the calling party announcement apparatus is provided which displays the local date and time. The problem with this analysis by the Examiner is that the message that is displayed by the system recited in claim 40 is also sent from the second caller ID modem to the first caller ID modem, and the only disclosed equivalent information within *Luneau* is the ICLID signal and/or data which is transmitted from the telephone central office and received by the FSK decoder 28 before it is then sent on to the disclosed apparatus. Column 6, lines 9-13. This ICLID data is clearly defined in *Luneau* as including the caller's name or phone number. Column 4, lines 24-31. There is no separate message disclosed in *Luneau* that is sent from the second caller ID modem to the first caller ID modem that merely includes the local date and time information.

With respect to claims 41 and 51, the Examiner is reading the claim erroneously. These claims recite that the retrieval in sending of the message to the first caller ID modem is performed in response to receipt of an incoming call to the system intended for the analog telephone extension. Asserting that the acknowledgement signal in *Kim* is the claimed response to receipt of an incoming call does not even make grammatical sense when reading claims 41 and 51. According to the Examiner's interpretation, claim 41 would read "wherein retrieval and sending of the message to the first caller ID modem is performed in acknowledgement to the system intended for the analog telephone extension." This does not make any sense.

Claims 43 and 53 recite that the typical caller ID information includes a phone number and an identity of the calling party. This further defines claims 40 and 49 respectively. With respect to claim 43, this clearly defines that the message displayed in claim 40 cannot include the phone number and the identity of the calling party. The same is true of claim 53.

With respect to claim 45, Applicants traverse the Examiner's assertion that it is inherent that the switching system must have a voice processing circuitry interacting with an incoming call. Applicants also traverse the assertion by the Examiner that it is inherent that the switching circuitry and the voice processing circuitry are controlled by a single processing means. The stored program in column 1, line 12 of *Kim* does not in any way teach or suggest voice processing circuitry. Instead, this language merely discloses the SPCS system employed by the telephone companies at their central offices to deliver caller ID information. Likewise, it is impossible for the SPCS system employed at the central office by the telephone company to control both the switching circuitry and the voice processing circuitry that might be employed within the customer premises equipment.

Claim 47 stands rejected under 35 U.S.C. § 103 as being unpatentable over *Kim* and *Luneau* as applied to claim 46 above and in view of *McHale et al.*, (U.S. Patent No. 5,852,655). In response, Applicants respectfully traverse this rejection. The Examiner is clearly relying upon hindsight reasoning in combining *McHale* with *Kim* and *Luneau*. There is no objective evidence provided by the Examiner for combining these prior art references. Instead, all the Examiner is relying upon is

the Examiner's subjective opinion that it would have been obvious to one skilled at the time the invention was made to modify *Kim* and *Luneau* to have the switching circuitry further comprises a digital cross-point matrix, coupled to the single processing means and to the signal processing circuitry as taught by *McHale et al.* so that the modified system of *Kim* and *Luneau* would be able to support the digital cross-point matrix to the system users. The Examiner has not pointed to any objective evidence in support of such an assertion by the Examiner. Therefore, the Examiner has failed to prove a *prima facie* case of obviousness in combining these prior art references in an attempt to make obvious claim 47.

Claims 57-59 stand rejected under 35 U.S.C. § 103 as being unpatentable over *Windsor* as applied to claim 55 above, and in view of *Kim*. In response, Applicants respectfully traverse this rejection. The Examiner asserts that the "month, date, hour, minute" of *Kim* are the claimed "non-typical caller ID message." This is an erroneous analysis by the Examiner. Claims 55 and 57 recite that the message is a non-typical caller ID message, and the Specification clearly defines such a non-typical caller ID message as not including one or both of the phone number and the identity of the calling party. As a result, *Kim* clearly teaches away from this recitation, since *Kim* clearly states that the data packet does contain the telephone number and the name in addition to the month, date, hour, and minute. Therefore, it is impossible for one skilled in the art at the time the invention was made to recreate claim 57 in view of *Kim* and *Windsor*.

In the Examiner's Response to Argument of Paper No. 8, page 12, the Examiner asserts that the stored program controls the whole switching system (circuitry) including the voice processing circuitry. The Examiner also asserts that the switching of telephone calls includes controlling both the switching circuitry and the voice processing circuitry. The problem with these assertions by the Examiner is that they are completely unsupported by any objective evidence, and are thus merely the Examiner's own opinion. Therefore, they cannot suffice to support the Examiner's obviousness rejections.

V. CONCLUSION

As a result of the foregoing, it is asserted by Applicants that the remaining claims in the Application are in condition for allowance, and respectfully request an early allowance of such claims.

Applicants respectfully request that the Examiner call Applicants' attorney at the below listed number if the Examiner believes that such a discussion would be helpful in resolving any remaining problems.

Respectfully submitted,

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